

1982

## State Humanities Committees (1979-1982): Correspondence 02

Donald Gibson

Follow this and additional works at: [http://digitalcommons.uri.edu/pell\\_neh\\_II\\_69](http://digitalcommons.uri.edu/pell_neh_II_69)

---

### Recommended Citation

Gibson, Donald, "State Humanities Committees (1979-1982): Correspondence 02" (1982). *State Humanities Committees (1979-1982)*. Paper 18.  
[http://digitalcommons.uri.edu/pell\\_neh\\_II\\_69/18](http://digitalcommons.uri.edu/pell_neh_II_69/18)[http://digitalcommons.uri.edu/pell\\_neh\\_II\\_69/18](http://digitalcommons.uri.edu/pell_neh_II_69/18)

This Correspondence is brought to you for free and open access by the Education: National Endowment for the Arts and Humanities, Subject Files II (1962-1996) at DigitalCommons@URI. It has been accepted for inclusion in State Humanities Committees (1979-1982) by an authorized administrator of DigitalCommons@URI. For more information, please contact [digitalcommons@etal.uri.edu](mailto:digitalcommons@etal.uri.edu).

NATIONAL ENDOWMENT FOR THE HUMANITIES

WASHINGTON, D.C. 20506



February 25, 1982

Mr. Alexander Crary  
Committee on Labor and Human Resources  
Subcommittee on Education, Arts and Humanities  
4230 Dirksen Senate Office Building  
U. S. Senate  
Washington, D. C. 20510


Dear Sandy:

It was good talking with you today and I look forward to an opportunity for a more extended conversation.

I enclose, as mentioned in our telephone conversation, a copy of the staff report regarding implementation of the 1980 Amendments to our authorizing legislation. One minor caveat: the document entitled "Statutory Authority for NEH Oversight of State Humanities Councils" was developed for staff discussion and doesn't carry any official stamp of approval.

I'll talk to you soon.

Sincerely,

  
Donald Gibson  
Acting Director  
Division of State Programs

Enclosures

DG:kg

# NATIONAL ENDOWMENT FOR THE HUMANITIES

WASHINGTON, D.C. 20506

February 8, 1982

## MEMORANDUM

To : William J. Bennett  
Via : Donald Gibson *WJB*

From : Julie Van Camp *Julie Van Camp*

Subject: Implementation of the 1980 Amendments to the NEH  
Authorizing Legislation by the Division of State  
Programs

### Executive Summary

The NEH authorizing legislation encourages a strengthened partnership between the existing private citizens' humanities councils in the states and state government. In implementation of the 1980 amendments to the legislation, the Endowment has resolved questions on which the statute was silent in favor of policies which would encourage more active participation by governors and which would promote clarity and continuity in the transition from private councils to state agencies.

The Endowment has communicated extensively with state governments and the private councils concerning the additional opportunities and responsibilities of the 1980 amendments, including individual letters to all governors and council chairs, publication of a Federal Register notice, and preparation of a model statute for establishment of a state humanities agency.

Many governors have responded with enthusiasm for the current programs of the private councils and have made appointments to the councils, as provided under the NEH statute. However, only the governor of Puerto Rico has formally declared his intent to designate the existing council as a state agency, and the legislature in Puerto Rico has not yet appropriated the required state funds. Fiscal pressures in the states and curtailment of existing state functions make establishment of new state humanities agencies unlikely in the immediate future, but the Endowment can continue to keep state governments well-informed about the program and encourage participation in ways other than establishing state agencies.

I. Highlights of the NEH Authorizing Legislation, As Amended in 1976 and 1980

The NEH authorizing legislation (20 U.S.C. 951 et seq.), as amended in 1976 and 1980, encourages a strengthened partnership between the present state humanities councils, which are private, non-profit organizations, and state governments. The 1980 amendments expand upon the opportunity, first provided in 1976, for governors to convert existing state humanities councils to state agencies. If a state wishes to establish a state agency for the humanities eligible for NEH funds, the governor must designate as the state agency the humanities council in existence in 1980 when the amendments were enacted. As the terms of the present members expire, the governor would appoint their replacements. The state would be required to appropriate new funds matching 50% of the minimal grant (normally, 50% of \$200,000) or 25% of the total Federal grant, whichever is greater. All funds, by law, would have to be used for programs "designed to bring the humanities to the public." In the 50 states, the District of Columbia, and Puerto Rico, a humanities council was in existence on the date of enactment of the legislation. Therefore, in those jurisdictions, no other institution may become the agency of the state government.

If a state does not convert the existing council to state agency status, the legislation permits the governor to appoint up to four members of the citizens' council, provided that these do not constitute more than 20% of the total membership.

The 1980 amendments continue the 1976 requirement that each council submit to NEH a plan showing compliance with the accountability requirements in the statute. The accountability requirements for private councils include a membership policy which is "designed to assure broad public representation," "a nomination process which assures opportunities to membership from various groups within the states . . . and from a variety of segments of the population of such states, including individuals who by reason of their achievements, scholarship or creativity in the humanities are especially qualified to serve," a "membership rotation process which assures the regular rotation of the membership and officers," "reporting procedures which are designed to inform the chief executive officer of the state involved," "procedures to assure public access to information relating to the activities of the committee," and "reporting to the Chairman of NEH." The compliance plan also requires that the councils use Federal funds only for those purposes which are permitted for NEH, as listed in Section 7(c).

The 1980 amendments also change the formula for the allocation of funds to state councils. Each state found by the NEH Chairman to have an "adequate" program will receive the total of \$200,000, plus (after all \$200,000 awards have been made) an equal share of 44% of the excess and a share pro-rated on the basis of population of 22% of the excess. This total is referred to by NEH as the "base" grant. The award which a council receives may be increased by the addition of funds from the remaining 34% of the excess. These funds, to be distributed at the discretion of the Chairman, may also be used by NEH for special contracts and other activities designed to assist the program nationally. If insufficient funds are available to award \$200,000 to all adequate programs, than all available funds will be divided equally among them.

## II. Policy Issues in the Implementation of the Amendments

When the statute was silent on particular aspects of implementation, the Endowment resolved issues in favor of clarity and continuity during the transformation to state agency status and in favor of policies which would encourage the participation of governors in the program.

The amendments do not describe the exact procedures to be used for making the transition from private citizens council to state agency. In developing procedures, the Division was concerned with avoiding unnecessary confusion in the exact status of the group at a particular time. Therefore, the Endowment requires that a three step process must be completed before NEH will consider the council as a state agency: 1) submission by the governor for NEH approval of a plan showing compliance with the statute; 2) submission by the governor for NEH approval of an application for funds (a "proposal"), and 3) appropriation by the state legislature of the necessary funds. Unless and until these steps are completed, NEH will consider the group a private citizens council.

All state programs including state agencies and private councils are required to meet the previously existing 50% cost-sharing requirement. That is, for every Federal dollar provided an equal number of dollars must be contributed from other sources, either in-kind or cash contributions. The Division concluded that the required state-appropriated funds for state agencies will contribute toward meeting this requirement. However, in view of the legislative changes offering control of Federal funds by state governors, it was concluded that Gifts-and-Matching ("Treasury") funds will not be used to further match directly appropriated state

funds. However, G&M offers (which are entirely at the discretion of the Chairman) will be made to both state agencies and private councils, to continue to encourage private giving and so as not to discourage governors from participating in the program by converting state councils to state agencies.

To implement the requirement that private councils include up to four members appointed by the governor, provided they do not constitute more than 20% of the total membership, the Division developed policies regarding expansion of certain councils. Consistent with Congressional intent for increasing gubernatorial involvement, councils with memberships of fewer than 20 persons must expand their membership as necessary to accommodate at least one additional appointment beyond the two required under the 1976 amendments. Councils with a membership of 20 or more may either maintain present council size or expand council membership, as a total of four appointments can be made either way.

The compliance plan for private citizens councils was strengthened in 1980 in response to language in the legislative history expressing continued concern regarding the membership recruitment and selection process of the private councils. In the Senate Report, council membership of a maximum of four continuous years was noted with approval. The Endowment, therefore, suggested to the state councils that the maximum term for a membership should be four years with at least one year between terms of any individual. However, the NEH will accept, as the maximum allowable time of service, three years with opportunity for a single additional three year term, resulting in a period of service of six years (the tenure of National Council members). The Endowment requires that councils wishing to have longer terms, such as eight consecutive years, must provide justification in terms of compelling circumstances. To date, only a handful of states has requested this exemption and none has been approved.

### III. Communication with Governors and the State Councils

The Endowment has made extensive efforts to inform governors of the new opportunities under the 1980 amendments for participation in the program. In March 1981 personal letters from the Endowment Chairman were sent to the governors of all states informing them of the changes, accompanied by a copy of the amended statute and a brief statement explaining the purpose of the state humanities program nationally. Letters were also sent in March 1981 to the Chairs of all state humanities councils informing them of the

changes, with copies of the letter to the governor of the state and the amended statute. Also in March 1981, all state councils were sent a new Procedures Manual, which included revised guidance for the compliance plans and a revised and simplified format for the application for funds.

Governors were encouraged to request additional information and many did. In the follow-up, governors were sent a copy of the guidance for the compliance plan for state agencies and the proposal format. In June 1981 all state councils were sent a copy of a model statute, prepared by the Division, for the establishment of a state humanities agency. Governors who indicated a strong interest in the transition to state agency were also to be sent the model legislation, although it was distributed eventually only to the Puerto Rican governor. In addition, the Division prepared a Federal Register notice, published June 25, 1981 (46 Fed. Reg. 32,972), to further insure that governors were aware of the opportunities for Federal funding. The notice generated inquiries from several newsletters which provide information to state governments, but no additional inquiries from governors. In most states, the private state council also initiated personal contact with the governor and his or her staff, resulting in many meetings with the staffs of governors to inform them in considerable detail about the work of the existing state council.

#### IV. The Response from Governors

Although 18 governors wrote to us, most said that they were not planning to make the conversion from private citizens' councils to state agency. Most noted that they were satisfied with the existing private citizens councils in their state. Most also said that extreme pressure on state budgets prevented them from establishing a new state agency and providing the cash required under the NEH statute. As of September 1, 1981, the deadline set by the Division for submission of a governor's compliance plan, for FY '82 funds, only one jurisdiction was interested in establishing a state agency, Puerto Rico. To date, the legislature in Puerto Rico has not appropriated the required funds.

Governors are actively participating in the state programs in many ways, even though they have declined participation through the mechanism of state agencies. Almost all have made appointments to the private councils, as provided under the amendments. In some states, governors are working with the state councils in developing special programming relating to current interests of the state

government. State funds have been directly appropriated to the councils in Virginia and Minnesota, without converting the councils to state agency status. In numerous cases, various state agencies have provided funds for specific projects supported by state councils.

#### V. Conclusions and Recommendations

Current fiscal restraint in most state governments makes conversion to state agencies of existing private councils unlikely, but continuing improvement in the relationships with state government is expected. Virtually all appointments by governors to the councils should be completed very shortly. We also expect continuation of isolated direct appropriations of state money to the private councils for projects conducted by those councils.

We recommend continued communication by the Chairman with the governors. At a minimum, communication is needed with governors elected in November 1981 who are just now taking office. The Chairman might also wish to send a personal letter to the governors of all states reminding them again of the opportunities for funding and notifying them of the September 1, 1982, deadline for application for Fiscal Year 1983 Federal funds. The Chairman may also wish to consider more aggressive communication with state governors, such as attendance at regional and national gatherings of state governors to inform them of the program and reiterate the opportunity for their participation.

We also encourage reconsideration of the present Endowment policy that directly appropriated state funds will not be matched through the G&M process. We suggest that directly appropriated funds which are not used to convert a private council to state agency status be eligible for match through the G&M process.

JVC:kg



**Appendix: Documents relating to the Implementation  
of the 1980 Amendments to the NEH Authorizing Legislation**

- A. Letter from NEH Chairman to Governors (March 16, 1981)
- B. Brief description of "State Programs in the Humanities"  
(enclosure with March 16, 1981 letter to governors)
- C. Letter from NEH Chairman to Chairs of present state  
councils (March 16, 1981)
- D. Memo from Donald Gibson to Chairs of present state  
councils summarizing implications for state programs of  
1980 NEH reauthorization (March 16, 1981) (included in  
new DSP Procedures Manual)
- E. Plan for Compliance with the NEH Authorizing Legislation  
by State Humanities Councils Operating as Citizens'  
Committees (included in Procedures Manual distributed  
March 16, 1981)
- F. Plan for Compliance with the NEH Authorizing Legislation  
by State Humanities Councils Operating as State Agencies  
(sent to state governors requesting additional  
information following March 16, 1981, correspondence and  
to existing state councils in Procedures Manual)
- G. Proposal format for applications for funds (sent to  
governors requesting additional information following  
March 1981 correspondence and to existing state  
councils in Procedures Manual)
- H. Model Statute: \_\_\_\_\_ Public Humanities Act  
(mailed to existing councils in June 1981; available  
to governors indicating intention to designate a  
state agency)
- I. Federal Register Notice, June 25, 1981, notifying state  
governments of deadline for application for FY '82 funds
- J. Statutory Authority for NEH Oversight of State  
Humanities Councils (document for use by Division staff  
in working with state councils)
- K. Examples of letters from governors.

# NATIONAL ENDOWMENT FOR THE HUMANITIES

WASHINGTON, D.C. 20506

*Office of the Chairman*

March 16, 1981

Dear Governor :

It is my pleasure and duty to inform you of changes in the legislation authorizing the National Endowment for the Humanities. The legislation (P.L. 96-496), signed by The President on December 4, 1980, encourages a strengthened partnership between state humanities councils and state governments.

The National Endowment for the Humanities is a Federal agency established in 1965 to provide grants to support the humanities. The state humanities program was established by NEH in 1970 to provide funds to citizens' groups in each state to conduct grant-making programs tailored to the special needs and resources of each state for public humanities programs. The (Committee Name), chaired by \_\_\_\_\_, has provided support for a wide variety of innovative and effective projects involving humanities scholars and thousands of citizens.

In 1976, amendments to the NEH authorizing legislation strengthened the capacity of these private councils to maintain liaison with state governments by allowing each governor to appoint two members to the council in the state or, alternatively, to provide State appropriations to the program and appoint one-half of the membership.

The 1980 amendments provide two ways for the state governments to strengthen this relationship to the councils. Under the first option, a governor may designate the existing humanities council as a state agency, if the State provides, from newly-appropriated State funds, either 50% of the minimal grant (normally \$100,000) or 25% of the council's total grant from NEH, whichever is greater. The governor may appoint new members to

the state council as the terms of present members expire, and the state agency would be required to conduct public humanities programs. In order to exercise this option during Fiscal Year 1982 (beginning on October 1, 1981), governors should submit to NEH, no later than September 1, 1981, a plan for the establishment of the state agency, consistent with the statutory requirements. Additional information is available from the Endowment regarding the requirements, and also concerning the application for funds which must also be submitted. Please contact Don Gibson, Acting Director of the Division of State Programs.

If a governor does not exercise this new option, the private citizens' council will continue to be eligible for NEH funds and, in a provision new in 1980, the governor may appoint up to four members of the council, so long as the appointments do not exceed 20% of the total council membership.

Enclosed is a copy of the amended statute and a brief statement explaining the purpose of the state humanities program nationally. I look forward to working with you.

Sincerely,

Joseph D. Duffey  
Chairman

/mlj  
Enclosures

# NATIONAL ENDOWMENT FOR THE HUMANITIES

WASHINGTON, D.C. 20506

## State Programs in the Humanities

State Programs in the humanities were established by the National Endowment in response to the Congressional charge to promote projects that foster increased public understanding and appreciation of the humanities and which pay particular attention to the relevance of these fields of scholarly inquiry to the current conditions of national life. The Endowment acted on certain assumptions: a) the humanities and their intrinsic perspectives are not adequately understood by, nor accessible to, society at large; b) no other institutional resources in the Nation are devoted substantially to making the humanities available and useful to the public; and c) national life could benefit from a continuing interchange between scholars in the humanities and the public.

By supporting projects designed with and for the public, state humanities councils have addressed this charge. The foremost objective of State Programs has been to provide support for humanities projects designed to reach the nation's diverse public, including those who may be restricted by economic, geographic, ethnic, or linguistic circumstances from ready and effective access to them. Most projects require that citizens play an active role and many project sponsors are non-profit organizations, institutions, and ad hoc citizens' groups. All projects involve humanities scholars and seek to enhance the ability of the individual to understand and use the analytical methods of the humanities disciplines and to make judgments informed by the fields of humanistic learning.

The direct beneficiaries of the State Programs' efforts are the individual citizens and scholars who participate in and attend funded projects, but the ultimate beneficiary is the society as a whole. These benefits flow from a more informed citizenry and from a scholarly community committed to making significant contributions to public life.

These private citizens' committees are composed equally of representatives of the scholarly community and of the general public. Each determines its own grant-making program based upon an assessment of the resources, needs, and interests of the state. Each council is responsible for program development and outreach, and for program evaluation.

In the last 12 month period for which complete figures are available, state councils funded about 5,000 projects, almost a 40% increase over last year's figure (3,200 projects), at an average cost \$3,600 per project. Altogether, some 30,000 project events have resulted from funded state programs, involving about 1.5 million people as direct participants and another 35 million through radio, television, and

newspaper audiences. Public and community groups were primary sponsors of about 72% of the projects funded; civic and special interest groups sponsored 29.5%; ad hoc humanities groups 3.6%; professional organizations 7.5%; religious organizations 5.3%; state and local government units 6.9%; cultural organizations, such as libraries and museums, 19.4%; and academic institutions 28%.

To be eligible for funding, a state council must submit to NEH, for approval, a plan ensuring compliance with the accountability requirements in the Endowment's authorizing legislation. This plan, which must be affirmed or modified annually, is reviewed by the staff of the Division and approved by the Chairman of the Endowment.

In addition, state councils submit written applications (proposals) for a two-year grant period. This application sets forth the council's plan for the future and constitutes its request for funding. Once funded, the application becomes the basis for the contract between the state council and the National Endowment.

In 1976, the United States Congress recognized the maturity and importance of the State Programs, mandated their existence and presented them with new responsibilities and opportunities. The 1976 law served to ensure council accountability to the citizens of the state; provided assurance that each state program would receive a certain amount of Federal support yearly; challenged each council to design a program in response to the particular resources, needs, and interests of the state; and encouraged greater involvement of state governments in public humanities activities.

In 1980, the Congress encouraged additional cooperation between state councils and state governments. It endorsed, once again, the conviction that state programs should "make the humanities accessible, useful, and meaningful to as broad a public as possible" and urged that the "citizen-steward" character of state councils be maintained whether structured as state agencies or as private citizens' committees.

DG/mlj  
2/02/81

# NATIONAL ENDOWMENT FOR THE HUMANITIES

WASHINGTON, D.C. 20506

Date

Inside Address

Dear [Committee Chair]:

At its February meeting, the National Council on the Humanities discussed the implications for state programs of the Endowment's authorizing legislation. The Council's conclusions are summarized in the enclosed document.

The 1980 amendments strengthen the relationship of state councils to state governments. Enclosed is a copy of the letter which I recently sent to Governor \_\_\_\_\_, briefly summarizing the new opportunities for his participation.

The 1980 amendments continue, with a few changes, the requirements of the 1976 amendments for plans by all state committees showing compliance with several accountability requirements. We have enclosed detailed guidance to assist you.

A copy of the amended statute is also enclosed. The staff of the Division of State Programs will answer any questions you might have.

Sincerely,

Joseph Duffey  
Chairman

cc: Executive Director  
/mlj  
Enclosures

## NATIONAL ENDOWMENT FOR THE HUMANITIES

WASHINGTON, D.C. 20506

## MEMORANDUM

Date: March 16, 1981

To: Chairs of State Humanities Councils

From: Don Gibson, *Don* Acting Director, Division of State Programs

Subject: Implications for State Programs of the 1980 NEH Reauthorization

At its meeting February 19-20, 1981, the National Council on the Humanities reviewed the major features of the 1980 amendments to the Endowment's authorizing legislation as they affect state programs and the steps necessary to implement the changes. What follows is a summary of their conclusions, which have also been reviewed and approved by the Chairman of the Endowment.

The 1980 amendments expand upon the mechanisms first presented in 1976, which allowed a governor to convert the existing state humanities council to a state agency. According to the 1980 amendments, if a State wishes to establish a state agency for the humanities:

- it would designate as the state agency the existing state humanities council;
- as the terms of the present members expire, the governor would appoint their replacements;
- the State would appropriate new funds matching 50% of the minimal grant (normally, 50% of \$200,000) or 25 percent of the total Federal grant, whichever is greater; and
- all funds would have to be used for programs "designed to bring the humanities to the public."

In the 50 states, the District of Columbia, and Puerto Rico a humanities council was in existence on the date of the enactment of the legislation. Therefore, in those jurisdictions no other institution may become the agency of the state government.

The amendments do not describe the procedures for establishing a state agency. The Endowment will use a three step process which must be completed before NEH will consider the council as a state agency: (1) submission by the governor, for NEH approval, of a plan showing compliance with the statute, (2) submission by the governor, for NEH approval, of an application for funds (a "proposal"), and (3) appropriation by the state legislature of the necessary funds. Unless and until these steps are completed, NEH will consider the group a private citizens' council.

All state programs, including state agencies and private councils, are required to meet the current 50% cost-sharing requirement. The state-appropriated funds will contribute toward meeting this requirement.

If a state does not convert the existing council to state agency status, the legislation permits the governor to appoint up to four members of the citizens' council provided that these do not constitute more than 20% of the total membership. Consistent with Congressional intent, state councils must develop and plan for increased gubernatorial representation. Councils with a membership of 20 or more may either maintain present council size or expand council membership, as a total of four appointments can be made either way. Councils with memberships of fewer than 20 persons should expand or adjust their membership, as necessary, to accommodate at least one additional appointment beyond the present two.

The 1980 amendments continue, with few changes, the 1976 requirement that each council submit to NEH a plan showing compliance with the accountability requirements in the law. Compliance plans for private councils will be expected to address the issue of gubernatorial appointees. Since Congress continues to express concern about the rotation policies for council membership, this should be addressed. The Endowment suggests that the maximum term for membership on private councils should be four years, with at least one year between terms of any individual, but the NEH will accept, as the maximum allowable time of service, three years with opportunity for a single additional three-year term resulting in a period of service of six years. Councils with longer terms must justify this. The councils must describe their specific procedures for public announcement, recruitment, and selection of members. Councils should also develop policies on conflict of interest and public access to council meetings.

All citizens' councils and state agencies will be required to submit an updated compliance plan each year in order to be eligible to apply for funds from the fiscal year beginning on October 1. Guidance for compliance with the 1980 accountability requirements and the complete text of the amended statute is included in this section of the Procedures Manual.



The amendments alter the formula for the allocation of funds to state councils. Each state found by the NEH Chairman to have an "adequate" program will receive the total of \$200,000, plus (after all \$200,000 awards have been made) an equal share of 44% of the excess and a share pro-rated on the basis of population of 22% of the excess. This minimum is referred to as the "base" grant. The award which a council receives may be increased by the addition of funds from the remaining 34% of the excess. These funds, to be distributed at the discretion of the Chairman, may also be used by NEH for special contracts and other activities designed to assist the program nationally. If insufficient funds are available to award \$200,000 to all adequate programs, then all available funds will be divided equally among them.

Given the legislative changes, G&M funds will not be used to match directly appropriated State funds. G&M offers, however, will be made to both state agencies and private councils to continue to encourage private giving and so as not to discourage governors from participating.

DG/jmj

cc: Executive Director

## Plan for Compliance with the NEH Authorizing Legislation by State Humanities Councils Operating as Citizens' Committees

Under the 1976 amendments to the NEH authorizing legislation, each state humanities council was required to submit to NEH for approval a plan for compliance with several accountability requirements. The 1980 amendments (P.L. 96-496) continue this requirement. A plan must be approved by NEH in order for a council to submit an application for funding. For those states in which the governor does not designate the council as an agency of State government, most of the 1976 requirements continue without change. A few modifications have been made, and additional guidance has been given by Congress concerning the requirements.

In order to be eligible to submit an application for funding for Fiscal Year 1982 (beginning on October 1, 1981), each private citizens' council must submit to NEH for approval, no later than September 1, 1981, a report updating the plan on file with the Endowment. In all future years, each state council will be required to submit a report no later than March 1 informing the Endowment of any changes in the plan on file or notifying the Endowment that the existing plan remains in effect.

*1. The plan must "establish a procedure which assures that four members of the governing body of (the state council) shall be appointed by an appropriate officer or agency of such State, except that in no event may the number of such members exceed 20 per centum of the total membership of such governing body." (Sections 7(f)(3)(A) and 7(f)(2)(B))*

Congress intends that the involvement of state government be expanded beyond the present two appointments, but that the total number of appointments not exceed 20 percent of the membership. Consistent with these concerns, it is permissible for a council with a membership of 20 or more to either maintain the present size, with the governor's additional appointments filling current vacancies, or to expand the membership to accommodate the additional appointments. However, to meet the intent of expanding the involvement of state government, a council with a membership of 19 or less should expand or adjust its membership to allow at least one additional gubernatorial appointment. The plan should thus review council by-laws which make provision for these state appointments.

As the Chairman of the Endowment has informed each of the governors of the provisions of the legislation, it is advisable to consult with the Endowment in planning additional contact by the councils with the governors to assure coordination and clarity of effort.

*2. The plan must provide "that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of subsection (c)." (Section 7(f)(3)(B))*

This provision continues a requirement of the 1976 amendments. The plan should include a statement from the state council chairman certifying that funds will be used solely to carry out the objectives listed in Section 7(c) of the statute.

3. The plan must establish "a membership policy which is designed to assure broad public representation." (Section 7(f)(3)(C))

This provision continues a requirement of the 1976 amendments. The emphasis on broad representation implies the need for council membership of at least 20 members including the gubernatorial appointments, although a smaller council may be justifiable in unusual circumstances.

Plans should provide that approximately half the members of each committee represent the general public, including a wide variety of individuals from business, labor, agriculture, the professions, minorities, and civic organizations. The other half should be composed of individuals representing the humanities disciplines and academic institutions, such as humanities scholars, administrators of institutions of higher education, and professional writers and editors in the disciplines of the humanities.

A fully accountable and responsible membership policy includes a written conflict-of-interest policy. For example, the council by-laws should prohibit the payment of honoraria, salaries, or stipends to members of the council from grant funds. Clear procedures should be developed for eliminating conflict or the appearance of conflict of interest in considering applications from institutions or groups with which members are affiliated.

4. The plan must provide "a nomination process which assures opportunities for nomination to membership from various groups within the State . . . and from a variety of segments of the population of such State, including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve." (Section 7(f)(3)(D))

This provision continues a requirement of the 1976 amendments. The plan should describe procedures which, at a minimum, include written solicitation at least annually of nominations from the state's cultural and educational institutions, appropriate state agencies, minority groups and organizations, scholarly organizations, civic organizations, educational organizations, and other public interest groups. Written solicitation could include notice in the council's newsletter. If substantial numbers of nominations are not being received from all appropriate groups, additional written solicitation should be provided for, such as individual letters from the committee chair to appropriate groups.

The plan should also explain the precise procedures used for consideration of all nominations for membership and election to membership.

5. The plan must provide "for a membership rotation process which assures the regular rotation of the membership and officers" of each committee. (Section 7(f)(3)(E))

This requirement, continued from 1976, ensures a routine and continuous infusion of new council membership, thereby strengthening the opportunities for flexibility and imagination in council actions and ensuring ever-widening citizen involvement in the program. The plan should provide rotation schedules permitting both continuity and systematic change. The preferred pattern would have maximum terms of membership of four years, with at least one year between terms of any individual, but the Endowment will accept, as the maximum allowable time of service, three years with opportunity for a single

additional three-year term resulting in a period of service of six years. Any terms longer than this will be approved only with a showing of extraordinary circumstances. Officers should have terms no longer than a maximum of two years.

6. *The plan must establish "reporting procedures which are designed to inform the chief executive officer of the state involved, and other appropriate officers and agencies, of the activities" of the state committee. (Section 7(f)(3)(F))*

The state council should submit an annual report to the governor and other appropriate officers and agencies of State government. Councils are also encouraged to establish means of informal reporting to the governor.

7. *The plan must establish "procedures to assure public access to information relating to (the) activities" of the committee. (Section 7(f)(3)(G))*

Compliance with this requirement includes publication and wide distribution of a variety of council publications, such as guidelines, brochures, newsletters, and press releases. The central document is the council's "guidelines to applicants," since this is the one most often read by the public and the one which must, in its lucidity, completeness, and tone, reveal fully the intent and practices of the council. The guidelines should describe in detail the procedures used to evaluate applications and award grants.

The plan should also include preparation and dissemination of an annual report by the council. This should contain a description of the council's activities and the grants it has made, council membership, deadlines for application, methods of nomination to membership, and relevant procedures. Distribution of the annual report should include appropriate leadership of the state's educational and cultural institutions, civic organizations, foundations, corporations, appropriate members of the legislative and executive branches of the government, and other individuals and institutions upon request. Councils should explain the intended distribution of the annual report in the plan in order to reveal the scope of public access.

Further means of public access might include announcement of all favorable grant decisions (including press releases); public announcement of membership selections; and public announcement of the times, places, and agendas of council meetings.

The plans should also include basic procedures relevant to public accountability including a record of vote totals on all applications considered at each meeting. Policies should be developed and publicly announced for providing information, in response to public inquiries, about the reasons for funding a specific application and for informing unsuccessful applicants about the reasons for the council's action.

8. *The plan must provide that the council "will make reports to the Chairman, in such form, at such times, and containing such information, as the Chairman may require." (Section 7(f)(3)(H))*

The plan should include a statement from the council chairman certifying that the council will comply with this requirement.

## Plan for Compliance with the NEH Authorizing Legislation By State Humanities Councils Operating as State Agencies

Under the 1980 amendments to the NEH authorizing legislation (P.L. 96-496), a State wishing to designate the state humanities council as a State agency must submit to NEH for approval a plan for compliance with several requirements of the statute. In addition, the State must submit an application for funds (which is separate from the plan outlined in this document) according to guidance provided by the Endowment.

In order to be eligible to submit an application for funding for Fiscal Year 1982 (beginning on October 1, 1981), the plan outlined here must be submitted to NEH for approval, no later than September 1, 1981. In all future years, each state council will be required to submit a report no later than March 1 informing the Endowment of any changes in the plan on file or notifying the Endowment that the existing plan remains fully in effect.

*1. The plan must be one which "designates or provides for the establishment of a State agency . . . as the sole agency for the administration of the State plan" (Section 7(f)(2)(A)(i))*

The statute requires that the State designate the existing humanities council as the recipient of NEH funds. (Section 7(f)(2)(A); see also, S. REP. NO. 96-557, 96th Cong., 2d. Sess. 6 (1980).) A statement making this designation, signed by the appropriate officer of state government, should be included in the plan.

*2. The plan must provide "that the chief executive of the state will appoint new members to the state humanities council designated under the provisions of this subparagraph as vacancies occur as a result of the expiration of the terms of members of such council, until the chief executive has appointed all of the members of such council" (Section 7(f)(2)(A)(ii))*

The private humanities councils have been subject since 1976 to several requirements in the statute regarding the membership of the councils, including "a membership policy which is designed to assure broad public representation," "a nomination process which assures opportunities for nomination to membership from various groups within the state . . . and from a variety of segments of the population of such State, including individuals who by reason of their achievement, scholarship, or creativity in the humanities are especially qualified to serve," and "a membership rotation process which assures the regular rotation of the membership and officers" of each committee.

The plan submitted by the state should review the existing membership policies of the present humanities council and explain the anticipated schedule of appointments by the governor. Because of the express requirement of the Congress that the state agencies conduct public humanities programs exclusively (see below), a continuation of the policy of a broadly

representative council membership seems desirable and should be discussed in this plan. The procedures by which the chief executive will make his or her appointments should be described.

*3. The plan must provide "from state funds, an amount equal to 50 percent of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) of this subsection relating to the minimum state grant, or 25 percent of the total amount of Federal financial assistance received by such state under this subsection, whichever is greater, for the fiscal year involved." (Section 7(f)(2)(A)(iii))*

The Endowment will inform states of the exact dollar amount required for a particular fiscal year. The plan should include the expected date of the state appropriation of funds needed to meet this requirement, if those funds have not already been appropriated. The Endowment will consider a humanities council subject to all requirements of Section 7(f)(2)(A), as a state agency, at such time as the following three requirements have been completed: (1) submission by the state of the plan for the state agency (the subject of this document) and NEH approval; (2) submission by the state of an application for funds (according to guidance provided separately) and NEH approval; and (3) appropriation by the state of the necessary funds. The application in (2) cannot be submitted prior to submission of the plan in (1), but the appropriation may occur at any time. Until all three requirements are complete, the NEH will continue to treat the existing council as a private committee under the provisions of Section 7(f)(2)(B).

*4. The plan must provide "that funds paid to the state under this subsection will be expended solely on programs approved by the state agency which carry out the objectives of Subsection (c) and which are designed to bring the humanities to the public." (Section 7(f)(2)(A)(iv))*

The Senate has elaborated on the requirement that the programs "bring the humanities to the public," by noting that the programs should "make the humanities accessible, useful, and meaningful to as broad a public as possible." (S. REP. 96-557, p. 7.) The plan should thus provide a statement of the proposed guidelines for grant-making by the state council to show that they are so designed. A statement of the overall goals and objectives of the state agency consistent with this requirement would be appropriate and useful in helping the NEH Chairman review the plan.

This subsection also limits programs to those "approved by the state agency." The intent of Congress is that the existing humanities council continue to be "the central, policy-making organ of a state humanities agency rather than merely an advisory adjunct." (S. REP. 96-557 p. 7.) Therefore, the plan should explain the procedures to be used by the new state agency in determining policy and approving grant awards.

The plan should also certify that NEH funds will be used solely to carry out the objectives listed in Section 7(c) of the Statute.

*5. The plan must provide "assurances that state funds will be newly appropriated for the purpose of meeting the requirements of this subparagraph" (Section 7(f)(2)(A)(v))*

Congress has provided guidance concerning the nature of these newly appropriated funds:

These monies must come from newly appropriated state funds. The Committee wishes to make clear its intent on this point. It would strongly discourage the transfer of funds previously appropriated to other State programs, such as those in the arts, in order to initiate such a humanities council. The Committee must underscore its desire to have strong separate State programs in the arts and in the humanities. This is regarded as vital to the continued growth and vigor of both areas. (S. REP. 96-557, p.7))

Although the funds need not have been appropriated by the time this plan is submitted (as discussed above in (3)), the plan should provide assurances, as required by the statute. A statement signed by an appropriate official of government certifying that the funds are newly appropriated should be submitted as soon as the funds are actually appropriated, if the funds have not been appropriated when this plan is submitted.

6. *The plan must provide "that the state agency will make such reports, in such form and containing such information, as the Chairman may require"* (Section 7(f)(2)(A)(vi))

The plan should include a statement from an appropriate official of government certifying that the state will comply.

## DIVISION OF STATE PROGRAMS

## Proposal Format

Foreword

The proposal from a state humanities council serves the following purposes: (1) it is the argument and justification for funding from the National Endowment, (2) it is the central document of record for the Endowment and its relationship with a state council, (3) it replaces the final report normally required of all Endowment grantees, (4) with proposals from other states, it forms part of the body of evidence weighed by Congress and the President to determine whether federal support for the humanities should continue. The proposal is designed, in the first instance, to present an evaluation of the recent program (stemming from a careful analysis and assessment of the current grantmaking program, program development and outreach efforts, and other goals). Secondly, the proposal is designed to be a plan for the future. The "Proposed Program" section describes: (1) the grantmaking program and its goals, (2) the plans for program development and outreach, evaluation, and administration. The format provides an opportunity for the council to demonstrate the appropriateness of the program for the state. -

On submission, the proposal is sent for review to individuals outside the Endowment. Subsequently, it is considered by a panel, composed of both humanities scholars and representatives of the general public. Finally, the proposal, together with reviewer, panelist, and staff comments, is considered by the National Council, which is charged by law with advising the Chairman on all grant applications. Reviewers and panelists consider each proposal in terms of the program goals established by the committee and in terms of their appropriateness for the state (i.e., problems and opportunities presented by the state's geography, demography, population diversity, social and economic needs, and resources in the humanities). Panelists and reviewers are concerned with the quality, and use, of the council's self-assessment. They are interested in knowing where the state program has been, where it is going, and how it exercises responsibility. Reviewers and panelists are encouraged to make any observations, but are asked to use the attached questions as a guide.



Panelists and reviewers are typically individuals familiar with other programs of the Endowment. Proposals from state committees seek grants in amounts that place them among the largest grants made by the National Endowment. The proposal is the council's chief opportunity to explain the program of a state to a national experience.

The State Program is an innovative program of national significance. Its charge from Congress is to increase public understanding and appreciation of the humanities through a state-based, de-centralized structure, with the state council membership serving as local citizen-stewards.

All this suggests a context and an audience for state proposals.

It is reasonable to assume, for example, that readers will look for the kind of clarity, detail, and persuasiveness that would be found in a successful proposal from a college or university seeking this amount of money. Readers also expect a document infused by tough-minded self-scrutiny. And they expect prose of high quality, free of cliché and jargon.

Finally, the proposal represents the expression of the state council membership. The application to the Endowment is made by the Chairman of the council on behalf of the council and, when funded, the award is made in his or her name. No matter what procedure is actually followed by a council in writing the proposal, it is read as a document reflecting the judgment of the membership.

#### General Facts

1. The narrative section of the proposal should be double-spaced and limited to between 50 and 75 pages.
2. The council's name, the date of submission, and the grant period under consideration should be placed on the front of the proposal.
3. Each proposal should be bound so that in shipping and in handling by readers no pages will be lost or misplaced.
4. Submit 25 copies of the proposal.
5. Proposals are due at the Endowment on the date indicated.
6. All pages, including attachments if possible, should be numbered consecutively.

## Proposal Outline

- I. Abstract
- II. Table of Contents
- III. Analysis of the State's Resources and Needs
- IV. Analytical Assessment of Recent Program
- V. Description of Proposed Program
  - A. Grantmaking Program
  - B. Program Development and Outreach Plans
  - C. Program Evaluation Plans
- VI. Committee and Staff
- VII. Budget
- VIII. Attachments

## Additional Details

### I. Abstract

The abstract should be a one-page, single-spaced statement. One paragraph should describe the program and summarize council achievements since submission of the last proposal. Another paragraph should summarize goals and plans for the next two-year grant. The abstract is sent to each member of the National Council in order to provide the Council with an overview of each state program.

### II. Table of Contents

The Table of Contents should include each section of the Proposal Outline and appropriate page references. Although each section must be included, the suggested order of the outline need not be followed.

### III. Analysis of the State

Describe and analyze the characteristics of your state pertinent to a state humanities program. Your discussion might include information about demography, socio-economic structure, current concerns, particular history and character, humanities, and other intellectual resources, as well as the state-wide institutional and/or social framework within which the council operates. This section should treat both material and intangible matters; not only such subjects as dollar support for libraries, but also intellectual and cultural concerns, e.g. need for more sophistication in popular notions of local history, need for clearer public discussions of ethics in land-use planning.

### IV. Analytical Assessment of Recent Program

This section should present, in terms of established goals and objectives, the council's conclusions about recent programming and other activities. It should be succinct and descriptive to the degree needed to explain initial, or changed, council goals and objectives, or to provide highly illustrative examples. Please incorporate into the analysis of humanities content (scholarly or institutional involvement) and outreach, comments upon or conclusions drawn from the Augustus statistics provided by the Division.

Briefly explain the process(es) of Evaluation which lead the council to the above conclusions.

### V. Description of Proposed Program

This section should include a statement of the council's mission, its goals and objectives for the ensuing grant period. It should

demonstrate a correspondence between the over-all program and the analysis of the state; highlight program changes which have resulted from evaluation; and include separate discussions of A) the Grantmaking Program, B) Program Promotion and C) Evaluation Plans.

A. Grantmaking Program

Describe the kinds of proposals the council will entertain, the criteria to be used in judging them, the audiences they will reach.

B. Program Promotion and Development Plans

Tell how the council will promote and implement the proposed program during the 24-month grant; for example, tell how the council will identify and/or involve humanities scholars, target audiences, institutions, organizations, etc. in the program.

C. Program Evaluation Plans

Tell how regrant projects will be evaluated during the ensuing grant period. Describe the process and the criteria by which the council will evaluate the over-all program, including the grant program, program development efforts, and the evaluation process itself.

VI. Committee and Staff

This section should begin with a list of the council membership, in the following format. (Note that each listing includes name, title or occupation, place of occupation, and city of residence or employment.)

Helen Magee  
Professor of History  
Century University  
Miles, Mississippi 39064

John J. Askra  
President, Chamber of Commerce  
Metro Center, Suite #305  
Center, Nebraska 68401

Describe the council's goals for its own membership, and the methods employed to reach those goals. Information on council size and composition, and methods used for solicitation of nominations for new members is included in the committee's compliance plan on file separately with NEH, but the rationale for these decisions should be elaborated here in the context of the over-all program. Also

describe the respective responsibilities of committee members and staff, and the role of members in program development, promotion, and evaluation. Include a description of subcommittee structure, if appropriate. Provide a list of council staff members, their titles, and a brief resume of each individual. Include a job description, listing the duties of each principal staff person and the methods and criteria used by the council for staff evaluation.

#### VII. Budget

In order for the National Council to make a recommendation to the Chairman on the award to each state council, a detailed financial plan, outlining the relationship between program administration and grantmaking, must be submitted. The financial plan, an integral part of the proposed program, consists of two parts: (1) an outline, with specific dollar amounts as described in the following pages, and (2) a narrative in which the major features of the budget and their relationship to the proposed program are explained.

The budget should reflect the council's estimate of the funds it will expend during the 12 month period, including cash it intends to raise in addition to the award of definite funds. Justification for the gifts and matching request should focus on the council's fund-raising record, with facts as up-to-date as possible, and on the council's strategy for fund-raising for the proposed grant period.

Once a fully detailed budget has been approved, a council may make many revisions in the administrative budget without prior Endowment approval. Please note that there can be no transfer of funds from the regrant allocation to administration. Also, funds cannot be transferred from the retired persons allocation to administration or program development.

Each state must submit a budget for a 12-month period according to the outline shown below. The first column of the budget should show the maximum definite funding available under the Division guidelines (i.e., an administrative budget not to exceed \$85,000 or 20% of the definite funds, up to \$4,000 for retired persons, up to 10% of definite funds for special program development activities, and the remainder for regrants). The second column should provide details of how gifts and matching funds will be allocated. The amounts listed should realistically reflect the council's intent of raising gifts, to be matched, for both administrative and regrant purposes. The third column should show the totals of the first two columns.

#### VIII. Attachments

Please include at least the following items.

1. A copy of the council's funding guidelines

2. A map showing the location of projects funded during the grant period. In lieu of this, a map showing the location of each presentation may be provided.
3. A map showing the location of each council member by address provided in Section VI.
4. Statistical Profile. This information will be provided by the Endowment and may be directly reproduced. Additional statistical information may be added.
5. Catalog of Projects. This information will be provided by the Endowment well in advance of the proposal due date. It may be directly reproduced.

Additional items might include: council brochures or a sample newsletter; effective project publicity; selected materials which help to demonstrate the character of the state program.

12 MONTH BUDGET

	<u>Definite Funds</u>	<u>Gifts and Matching</u>	<u>Total</u>
<b>I. Administration</b>			
<b>A. <u>Salaries</u></b>			
1. Executive Director (Annual Salary \$ )	\$	\$	\$
2. Assistant Director (Annual Salary \$ )	\$	\$	\$
3. Secretary (Annual Salary \$ )	\$	\$	\$
4. Part-time Assistant (hourly wage/hours week)	\$	\$	\$
5. Other (provide a detailed breakdown of each item)			
<b>B. <u>Fringe Benefits</u></b>			
1. Executive Director (includes. . .)	\$	\$	\$
2. Assistant Director	\$	\$	\$
3. Secretary	\$	\$	\$
4. Part-time assistance	\$	\$	\$
5. Workman's compensation	\$	\$	\$
(or % of all salaries and coverage)			
<b>C. <u>Travel</u></b>			
1. Staff (indicate basis for amounts listed)	\$	\$	\$
2. Council	\$	\$	\$
<b>D. <u>Office Space</u></b>			
Monthly rent/sq. ft. of space	\$	\$	\$
<b>E. <u>Fiscal Agent Fee</u></b>	\$	\$	\$

	<u>Definite Funds</u>	<u>Gifts and Matching</u>	<u>Total</u>
F. <u>Telephone</u>			
1. Monthly rate	\$	\$	\$
2. Long distance	\$	\$	\$
G. <u>Supplies</u>	\$	\$	\$
H. <u>Printing</u>			
1. Newsletter (est. no. issues/copies of each)	\$	\$	\$
2. Brochures	\$	\$	\$
3. Stationary	\$	\$	\$
4. Other	\$	\$	\$
I. <u>Duplication</u>	\$	\$	\$
J. <u>Committee meetings</u>	\$	\$	\$
K. <u>Equipment</u>			
1. Rented items (Provide an itemized list)	\$	\$	\$
2. Items to be purchased (Provide an itemized list)	\$	\$	\$
L. <u>Audit Expenses</u>	\$	\$	\$
M. <u>Other</u>			
Such as legal fees, evaluation and program development activities not listed below (provide a detailed breakdown of each item)	\$	\$	\$
TOTAL ADMINISTRATIVE BUDGET	\$	\$	\$
VI. Special Program Development Activities (up to 10% of definite funds)	\$	\$	\$
VII. Retired Persons (up to \$4,000 for 12 months)	\$	\$	\$



IV. Re grants (Details about the allocation of funds to different funding categories, if any, should be included in the narrative)

\$ \$ \$

V. (Sabbatical)

(Sabbatical-if eligible and to be used during this 12-month period.)

\$ \$ \$

VI. TOTAL FUNDS REQUESTED OF THE ENDOWMENT

\$	\$	\$
<u>Total Definite</u>	<u>Gifts and</u>	
<u>Funds</u>	<u>Matching</u>	

---

\* PUBLIC HUMANITIES ACTTABLE OF SECTIONSSection

1. Short title
2. Legislative Findings and Declaration of Purpose
3. Definition
4. Establishment of Council -- members -- terms of office -- chairperson  
-- compensation
5. Meetings of Council -- quorum
6. Duties of the Council
7. Powers of the Council
8. Executive Director
9. Conflict of interest
10. Prohibition of Interference or Advocacy by Council
11. Transfer of functions
12. Plan -- administration of act -- custody and expenditure of federal  
funds

## Section 1. Short Title

This Act shall be known and may be cited as the " \_\_\_\_\_ " \* Public Humanities Act."

## Section 2. Legislative Findings and Declaration of Purpose

The Legislature finds and declares--

(a) That encouragement and support of the humanities, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the state government;

(b) That a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future;

(c) That democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education designed to make people masters of their technology and not its unthinking servant;

(d) That the general welfare of the people of the State will be promoted by giving further recognition to the humanities as a vital part of our culture and heritage and as an important means of expanding the scope of our community life and our educational programs;

(e) That it is the policy of the State to cooperate with private contributors, private and public institutions, professional and nonprofessional organizations, and agencies of the United States concerned with the humanities to insure that the role of the humanities in the life of our communities will continue to grow and to play an ever more significant part in the educational experience of our citizens;

(f) That in order to implement these findings, it is desirable to establish a state council on the humanities and to provide such recognition and assistance as will encourage and promote the state's cultural progress.

\*Supply name of State.

### Section 3. Definition

The term "humanities" includes, but is not limited to, the study of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archeology; comparative religion; ethics; the history, criticism, and theory of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to the relevance of the humanities to the current conditions of life in this State and nation.

### Section 4. Establishment of Council -- members -- terms of office -- chairperson -- compensation

(a) There is hereby established within the State government the  
\* \_\_\_\_\_ Council on the Humanities, referred to in this Act as the  
"Council."

(b) The Council shall consist of 20 members, including the Chairperson. The initial members of the Council shall be the members of \_\_\_\_\_ \*\* as of the date of the initial appropriation of funds by the State legislature to the Council. As vacancies occur as a result of the expiration of the terms of the initial members of the Council, the Governor shall appoint their successors until the Governor has appointed all of the members of the Council. Thereafter, the Governor shall appoint all members as vacancies occur for any reason.

(c) Ten (10) members of the Council shall be broadly representative of the major fields of the humanities and academic institutions and shall be appointed from among citizens who by reason of their achievement, scholarship, or creativity in the humanities are especially qualified to serve.

(d) Ten (10) members of the Council shall be broadly representative of the general public of the State and shall be appointed from among citizens who by reason of their knowledge of community and State interests are especially qualified to serve.

(e) In making these appointments, the Governor shall request nominations for membership from persons and organizations involved in civic, educational, business, labor, professional, cultural, ethnic, and scholarly fields, as well as those with knowledge of community and State interests.

\*Supply name of State

\*\*Supply name of private citizens committee receiving NEH humanities funds as of December 4, 1980.

(f) The membership shall include both men and women and shall have broad geographic and culturally diverse representation.

(g) Each member shall hold office for a term of four years. No member shall be eligible for reappointment for a one year period following the expiration of his or her term. Any vacancy occurring on the Council other than by expiration of term shall be filled by the Governor by the appointment of a qualified person for the unexpired term, and shall maintain the distribution of Subsections (c) and (d) of this Section.

(h) The Council shall, by majority vote, elect a Chairperson from the Council membership once a year at a regular time to be determined by the Council. The term of office of the Chairperson shall be one year. The Chairperson shall be eligible for re-election to no more than one additional term. Upon expiration of his or her term, the Chairperson shall serve until a successor is elected.

(i) All members of the Council, including the Chairperson, shall serve without compensation, but each shall be reimbursed for actual and necessary travel, per diem, and other expenses incurred in the performance of official duties.

#### Section 5. Meetings of Council -- quorum

(a) The Council shall meet at the call of the Chairperson, but not less than twice during each calendar year.

(b) Eleven (11) members of the Council shall constitute a quorum.

(c) All meetings of the Council shall be open to the public, and all persons shall be permitted to attend any meeting of the Council.

(d) Unless there are extraordinary circumstances, all meetings are to be preceded by at least eight days public notice. Meetings shall be rotated to various places throughout the State so as to encourage broad and diverse attendance.

(e) The Chairperson shall vote only in case of a tie on any question voted on by the Council.

#### Section 6. Duties of the Council

The duties of the Council shall be--

(a) To make the humanities accessible, useful, and meaningful to as broad a public as possible;

(b) To foster, through grants to groups, public understanding and appreciation of the humanities;

(c) To insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons;

(d) To stimulate and encourage throughout the State public interest and appreciation of the humanities;

(e) To take such steps as may be necessary and appropriate to encourage public interest in the history and culture of our State and nation;

(f) To encourage freedom of expression essential for the well-being of the humanities;

(g) To assist the communities and organizations within the State in originating and creating programs in the humanities;

(h) To make such surveys as may be deemed advisable of public and private institutions engaged within the State in humanities activities and to make recommendations concerning the appropriate methods to encourage public appreciation of the humanities in order to meet the legitimate needs and aspirations of persons in all parts of the State;

(i) To submit a report to the Governor no later than ninety (90) days after the end of each State fiscal year and at such other times as the Governor requests or the Council deems appropriate;

(j) To approve for each year a program and a budget, by majority vote, such programs to be carried out under the direction of the Chairperson as chief executive officer of the Council.

(k) To make such reports to the National Endowment for the Humanities, in such form and containing such information, as the NEH may require for Federal funding.

## Section 7. Powers of the Council.

The Council has the powers necessary to carry out the duties imposed upon it by this Act, including, but not limited to, the power--

(a) To appoint such administrative, technical, and other personnel, subject to the constitution and laws of this State, as may be necessary for the performance of its powers and duties, and to define their duties, to fix the term of service and compensation for all personnel, and supervise and direct their activities;

(b) To hold hearings, make and sign any agreements, and perform any acts which may be necessary, desirable, or proper to carry out the purposes of this Act;

(c) To request from any department, division, board, bureau, commission, or other agency of the State such reasonable assistance and data as will enable it properly to carry out its powers and duties under this Act;

(d) To appoint such advisory committees as it deems advisable and necessary to the carrying out of its powers and duties under this Act;

(e) To accept any gifts, donations, or bequests for all or any of the purposes of this Act;

(f) To propose methods to encourage private initiative in the humanities;

(g) To advise and consult with national foundations and other local, State, and Federal departments and agencies on methods by which to coordinate and assist existing resources and facilities, with the purpose of fostering the use of the humanities both nationally and internationally for the benefit of the public, in the best interests of this State;

(h) To accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem;

(i) To award direct grants to organizations in accordance with such regulations as the Council may prescribe;

(j) To establish grant application criteria and procedures;

(k) To adopt regulations in accordance with the constitution and laws of this State necessary for proper execution of the powers and duties granted to the Council by this Act;

(l) To establish one or more secondary offices in various locations within the State if it determines that such office or offices are needed to properly carry out the provisions of this Act;

(m) To accept, on behalf of the State, and expend any Federal funds granted by act of Congress or by executive order for all or any of the purposes of this Act; except that the Council may expend such funds only upon appropriation by the legislature if the Federal funds require matching State contributions or capital outlay or create a commitment for future State funding.

#### Section 8. Executive Director

The Council shall have an executive director with experience and a continuing interest in the humanities, who shall be appointed by and serve at the pleasure of a majority of the Council, and whose compensation shall be fixed by a majority of the Council. The Director shall assist the Council in the carrying out of its work, be responsible for the management and administration of the Council staff, and perform other duties as directed by the Council.

#### Section 9. Conflict of Interest

If any member of the Council is an employee, member, director, or officer of any organization that has applied to the Council for a grant, the member shall not communicate with any other member of the Council or any member of an advisory panel regarding the grant application, the member shall not be present when it is considered by the Council or panel nor shall the member cast a vote on the application. No member shall receive any monetary compensation or financial benefit from any grant made by the Council while a member.

#### Section 10. Prohibition of Interference or Advocacy by Council

In carrying out its duties and powers under this Act, the Council shall never by action, directly or indirectly, interfere with the freedom of expression of the cultural programs in any local community or institution, nor shall it make any recommendations that might be interpreted to be a form of censorship, nor shall the Council knowingly make a grant if the application reasonably indicates that the funds will be used to advocate a position or view to the exclusion of contrary views on matters or issues of public concern.



Section 11.     Transfer of functions

(a) All State appropriations heretofore made to \_\_\_\_\_\*\* to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, are hereby transferred to and made available for use and expenditure by the State Council on the Humanities established by this Act for the same purposes for which originally appropriated.

(b) Payments for liabilities for expenses of personnel service, maintenance, and operation heretofore incurred by \_\_\_\_\_\*\* and for liabilities incurred and to be incurred in completing its current affairs shall be made on vouchers or certificates approved by the Chairperson of the Council on audit and warrant of the State comptroller.

(c) All rules, regulations, acts, determinations and decisions of \_\_\_\_\_\*\* in force at the time of the initial appropriations for the \_\_\_\_\_\* Council on the Humanities shall continue in force and effect as rules, regulations, acts, determinations, and decisions of the Council until duly modified or abrogated by the \_\_\_\_\_\* Council on the Humanities.

(d) Any proceeding or other business or matter undertaken or commenced by or before the \_\_\_\_\_\*\* and pending on the effective date of this Act may be conducted and completed by the \_\_\_\_\_\* Council on the Humanities in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the \_\_\_\_\_\*\*.

(e) No existing right or remedy of any character provided by the laws of this State shall be lost, impaired or affected by reason of this Act.

\*Supply name of State

\*\*Supply name of private citizens committee receiving NEH humanities funds as of December 4, 1980.

Section 12. Plan -- administration of act -- custody and expenditure of Federal funds

This section and sections one to eleven, inclusive, of this Act, shall constitute the plan of the State as required by Section 7(f) of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209). The Council shall be the sole agency of the State for the administration of Section 7(f) of said Act. The State treasurer shall be custodian of funds received by the State under Section 7(f) of said Act, and said funds shall be expended solely by the Council on projects approved by it which carry out the objectives of Section 7(c) of said Act and which are designed to bring the humanities to the public.

6/18/81

## SUPPLEMENTARY INFORMATION

## Background

These investigations are being instituted following receipt of a petition on June 18, 1981, filed by Pfizer, Inc., New York, New York. The petition alleges that the European Economic Community provides subsidies for the production and exportation of sodium gluconate, and that, by reason of imports of this allegedly subsidized product, an industry in the United States is being materially injured or threatened with material injury.

## Authority

Section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b) requires the Commission to make a determination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the administering authority. Such a determination must be made within 45 days after the date on which a petition is filed under section 702(b) or on which notice is received from the Department of Commerce of an investigation commenced under section 702(a). Accordingly, the Commission, on June 19, 1981, instituted preliminary countervailing duty investigations Nos. 701-TA-89 thru 78. These investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207.44 FR 76457) and particularly, subpart B thereof.

## Written submissions

Any person may submit a written statement of information pertinent to the subject matter of these investigations to the Commission on or before July 20, 1981. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data". Confidential submissions must conform with the requirements of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). All written submissions, except for confidential business data, will be available for public inspection.

## Conference

The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 10:00 a.m., e.d.t., on July 14, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW, Washington, D.C. Parties wishing to participate in the conference should contact the Supervisory Investigator for these investigations, Mr. John Machlinton (202-523-0439). It is anticipated that parties in support of the petition for countervailing duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further detail concerning the conduct of the conference will be provided by the Supervisory Investigator.

## Inspection of petition

The petition in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

By order of the Commission:

Kenneth R. Mason,

Secretary.

June 22, 1981.

(FR Doc. 81-18738 Filed 6-24-81; 8:45 am)

BILLING CODE 7020-02-0

## DEPARTMENT OF JUSTICE

## National Institute of Justice

## Notice of Solicitation

The National Institute of Justice announces a competitive research solicitation to evaluate a field test of the *Early Representation By Defense Counsel Program*. The purpose of this evaluation award is to assess the operational impact and effectiveness of this program. The evaluation objectives are:

1. To Assess the Impact of Early Representation Management Policies on the Timing and Range of Services Provided.
2. To Assess the Impact of Early Representation on the Attorney-Client Relationship.
3. To Assess the Impact of Early Representation on the Criminal Justice System.

The solicitation asks for the submission of draft proposals. A formal application will be requested following peer review process in accordance with the criteria set forth in the solicitation. In order to be considered all papers must be postmarked no later than July 31, 1981. This cooperative agreement is planned for award in September, 1981. It

is expected that the evaluation will take place over a twenty-four month period and should not exceed \$450,000. To maximize competition for the award, both profit making and non-profit organizations are eligible to apply; however, a fee will not be paid.

Further information and copies of the solicitation can be obtained by contacting Frank Vaccarella or Diana Stone at the Office of Program Evaluation, NIJ, 833 Indiana Avenue, N.W., Washington, D.C. 20531 or phone (301) 492-9085.

Dated: June 12, 1981.

Harry M. Bratt,

National Institute of Justice.

(FR Doc. 81-18738 Filed 6-24-81; 8:45 am)

BILLING CODE 4410-15-0

## NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

## Meeting Addendum Change

A change has been made to the agenda for the June 29-30 meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) published in the Federal Register of June 18, 1981 (Page 46 FR 31544). The change is as follows:

Monday June 29, 1981

11 a.m.-12 noon—Guest Speaker: Thomas E. Kitson, Senior Professional Staff Member, Committee on Merchant Marine and Fisheries, U.S. House of Representatives.

Additional information concerning this portion of the meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is National Advisory Committee on Oceans and Atmosphere, 3900 Whitehaven Street, NW, (Room 438) Page Building #1, Washington, D.C. 20235. The telephone number is (202) 653-7818.

Dated: June 22, 1981.

Steven N. Anastasion,

Executive Director.

(FR Doc. 81-18738 Filed 6-24-81; 8:45 am)

BILLING CODE 3510-13-0

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

State Humanities Council; Grants

AGENCY: National Endowment for the Humanities.

ACTION: Notice of grants to State humanities councils.

SUMMARY: This notice specifies the closing date for submission of plans by

state governments wishing to designate a state humanities council eligible for Fiscal Year 1982 funds.

**DATE:** In order to exercise option (1) (below) for Fiscal Year 1982 (beginning on October 1, 1981), governors are required to submit to the National Endowment for the Humanities, Division of State Programs, Mail Stop 404, Washington, DC 20508, no later than September 1, 1981, a plan for establishment of the state agency, consistent with the statutory requirements. Additional guidance is available from the Endowment regarding the requirements, and also concerning the separate application for funds which must also be submitted. The application may be submitted with the plan or at a later time.

**SUPPLEMENTARY INFORMATION:** This program is authorized under the National Foundation on the Arts and the Humanities Act of 1965, as amended by Pub. L. 96-496 (20 U.S.C. 956(f)). The authorization provides two ways for a state government to strengthen its relationship with the existing private citizens' humanities council in the state:

(1) A state government may designate the existing private citizens' humanities council as a state agency, if the state provides from newly-appropriated state funds either 50% of the minimum state grant (normally 50% of \$200,000) or 25% of the council's total grant from the National Endowment for the Humanities, whichever is greater. The governor could then appoint new members to the state council as the terms of present members expire. The state agency would be required, by statute, to use Federal funds for public humanities programs only.

(2) If a governor does not exercise option (1), the private citizens' council will continue to be eligible for National Endowment for the Humanities funds. The governor may appoint up to four members of the council if the appointments do not exceed 20% of the total council membership.

**FOR FURTHER INFORMATION CONTACT:** Donald Gibson, Acting Director, Division of State Programs, National Endowment for the Humanities, MS 404, Washington, DC 20508. Telephone (202) 724-0288.

Dated: June 18, 1981.

Joseph D. Dailey,  
Chairman.

## NATIONAL TRANSPORTATION SAFETY BOARD

(N-AR 81-28)

### Reports, Recommendations, Responses; Availability

**Aircraft Accident Report—Kellogg Company, Avions Marcel Dassault Breguet Falcon 10, N253K, Meigs Field, Chicago, Illinois, January 30, 1980 (NTSB-AAR-81-6).**—During its investigation of this accident, the Board last March 28 issued safety recommendations A-81-32 and -33 to the Federal Aviation Administration; see 46 FR 21284, Apr. 8, 1981.

**Aircraft Accidents Reports—Brief Format U.S. Civil Aviation, Issue No. 4, 1980 Accidents (NTSB-BA-81-5).**

**Pipeline Accident Report—The Pipelines of Puerto Rico, Inc., Petroleum Products Pipeline Rupture and Fire, Bayamon, Puerto Rico, January 30, 1980 (NTSB-PAR-80-6).**—Early in the investigation, the Board on April 28, 1980, issued to the Governor of the Commonwealth of Puerto Rico recommendations P-80-23 through -25 (45 FR 30574, May 8, 1980). The Board subsequently closed out P-80-23. After investigation was completed, the Board on February 28, 1981, issued the following recommendations to:

**The Pipelines of Puerto Rico, Inc.:** Coordinate with the Public Service Commission, local fire departments, and other utilities to develop procedures to employ during pipeline emergencies. (P-80-75)

Immediately update the list of parties to be contacted in an emergency, and institute a procedure to insure that the list is updated at least annually. (P-80-76)

Install additional permanent pipeline markers sufficient to comply with 49 CFR 195.470. (P-80-77)

Install new pipeline identification labels on permanent markers in accordance with 49 CFR 195.470(a)(2). (P-80-78)

In cooperation with other operators of underground facilities, help establish an island-wide "one-call" excavation notification system. (P-80-79)

Instruct its pipeline inspectors of the importance of remaining at the construction site and closely monitoring the contractor's work as it approaches the pipeline (P-80-80)

**Public Service Commission of the Commonwealth of Puerto Rico:** Train its pipeline safety personnel to effectively assess compliance by petroleum products pipeline operators with applicable Federal pipeline safety requirements. (P-80-81)

Encourage training of local fire, police, and other public agencies regarding petroleum products pipeline emergencies, and coordinate with them during emergencies (P-80-82)

Establish requirements for a petroleum products pipeline damage prevention program which includes the use of a "one-

call" excavation notification system. (P-80-83)

Initiate a petroleum products pipeline safety program which would include sending personnel to appropriate pipeline safety institutes. (P-80-84)

Assign at least one full-time qualified professional to the duties of pipeline safety so that the tasks of inspections and investigations can be carried out in compliance with Federal regulations. (P-80-85)

**Governor of the Commonwealth of Puerto Rico:** Direct the Public Service Commission of Puerto Rico to send professional personnel to conferences, seminars, training courses, and other activities regarding petroleum products pipeline safety. (P-80-86)

Direct the appropriate utilities and agencies of Puerto Rico to establish an island-wide "one-call" excavation notification system. (P-80-87)

**Puerto Rico Telephone Company:** In cooperation with other operators of underground facilities, help establish an island-wide "one-call" excavation notification system in Puerto Rico. (P-80-88)

**Research and Special Programs Administration of the U.S. Department of Transportation:** Amend 49 CFR Part 195 to include a section similar to proposed 49 CFR 192.614, Damage Prevention Program, to require that all liquid pipeline operators develop, implement, and monitor the effectiveness of an excavation damage prevention program. (P-80-89)

Amend 49 CFR Part 195 to include a section similar to 49 CFR 192.615, Emergency Plans, that will require operators to establish written procedures to minimize the hazards resulting from a liquid pipeline emergency. (P-80-90)

Recommendation P-80-78, above, is designated "Class I Urgent Action;" all others are "Class II, Priority Action."

### Responses from the Federal Aviation Administration—

**A-74-105 through -114 (June 10).**—Re emergency evacuation slides: FAA reports publication of a proposed rule at 46 FR 5484, Jan. 12, 1981, Operations Review Program, Notice 11 (A-74-105) and a final rule at 44 FR 61321, Oct. 25, 1979, Operations Review Program, Amendment 12, amending 14 CFR 25.809 (A-74-107); amendment to 14 CFR 121.310 (also A-74-107) was removed from further consideration by Operations Review Program Notice 10 (43 FR 37958, Aug. 24, 1978) since retrofit is not cost effective; proposed amendment to 14 CFR 121.318 (A-74-106) was withdrawn at 46 FR 5500, Jan. 28, 1981. Re emergency lighting (A-74-109): FAA at 44 FR 61323 withdrew proposed changes to §§ 25.812 and 121.310(h)(1)(ii). Re use of megaphones (A-74-110): FAA at 46 FR 5500 withdrew proposed amendment to § 121.308(f). Amendment of 14 CFR 121.318, public address systems (A-74-111), is addressed in Operations Review Program Notice 11. Re passenger briefings on operation of emergency exits (A-74-112): FAA at 46 FR 5500 withdrew proposal to

STATUTORY AUTHORITY FOR NEH OVERSIGHT  
OF STATE HUMANITIES COUNCILS

Federal agencies are provided with authority to administer programs through authorizing legislation passed by Congress. The intent of Congress is expressed in the language of the authorizing statutes, along with accompanying legislative reports. The obligation of the agencies, which are part of the executive branch of government, is to interpret and administer the legislation consistently with that Congressional intent.

The National Foundation on the Arts and the Humanities Act of 1965, as amended December 4, 1980 (P.L. 96-496), includes two major sources of authority for NEH oversight of state humanities councils, both of which originated in the 1976 amendments to the Act.

A. Authority of NEH Chairman to Determine Acceptability of Plan  
Showing Compliance with the Statute

Before a state humanities council may submit an application for funding, it must submit to NEH a plan showing compliance with the requirements of Section 7(f)(3), in the case of private councils, and Section 7(f)(2)(A), in the case of state agencies. The NEH Chairman has the responsibility under the statute for determining compliance with the requirements in these subsections: "Each such application shall be accompanied by a plan which the Chairman finds . . . ." (Sections 7(f)(2)(A) and 7(f)(3)) (emphasis added)

The requirements for private councils include broad representation in membership, a nomination process for membership, membership rotation, reporting procedures to the governor, and public access to information. The requirements for state agencies include designation of the existing council, appointment of members by the governors, new appropriations of state funds, and limitation to programs "designed to bring the humanities to the public."

For both state and private councils, the requirements include compliance with the objectives of Section 7(c), which provides authority for conducting various types of programming, and which also directs the Endowment and the state councils to "insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons." (Section 7(c)(7)). For both state and private councils, the statute also authorizes the Chairman to require reporting by the councils "in such form, at such times, and containing such information as the Chairman may require." (Sections 7(f)(2)(A)(vi) and 7(f)(3)(H)).

For determining whether the plans submitted meet the statutory requirements, the Chairman receives additional guidance as to Congressional intent from the House and Senate Reports accompanying the amendments. (There was no conference report in 1980.) For example, the Senate Report (S. REP. NO. 96-557, 96th Cong., 2d Sess. 7 (1980)) explains that the requirement that state agencies use Federal funds exclusively for public programs means that the programs should "make the humanities accessible, useful, and meaningful to as broad a public as possible." The Senate Report also makes clear that a governor wishing to establish a state humanities agency with Federal funds is limited to designating the group receiving humanities funding from NEH in 1980 (S. REP., p. 7) and that the existing humanities council must continue to be "the central, policy-making organ of a State humanities agency rather than merely an advisory adjunct of a new State bureaucracy." (S. REP., p. 7). With regard to the requirement that newly-appropriated state funds must be provided to a state humanities agency, the Senate Committee "would strongly discourage the transfer of funds previously appropriated to other State programs, such as those in the arts, in order to initiate such a humanities council. The Committee must underscore its desire to have strong separate State programs in the arts and in the humanities. This is regarded as vital to the continued growth and vigor of both areas." (S. REP. 96-557, p. 7).

The legislative history also provides additional guidance to the Chairman for interpreting the requirements of the plan for the existing private councils. With regard to membership rotation, the Senate Committee (S. REP., pp. 6-7) commends the councils for institution of "a membership rotation process . . . which helps to assure a broad public representation and a periodic infusion of fresh ideas," and states that it ". . . understands an average member's term of service to be two years with opportunities for a single additional two-year term." Continuing concern about the recruitment and selection process is expressed, as in the statement ". . . that in spite of the improved membership and rotation policies, the actual selection of new committee members remains the perquisite of the State committee itself." Concern about the overall accountability of the program is revealed in the statement by the Senate committee that it ". . . desires that the public, 'citizen-steward' character of the existing councils be retained under the state agency option, while seeking to guarantee that State councils be more objective in their stewardship of public funds." (S. REP., p. 7).

### Comparision with Parallel Requirements for Arts Agencies

State arts agencies are required, as a prerequisite to eligibility for funding, to comply with the requirements of Section 5(g)(2). The NEA Chairman has the same authority to determine compliance as does the NEH Chairman for the analagous provisions: ". . . a State shall . . . accompany such applications with a plan which the Chairman finds . . . ." (Section 5(g)(2)) (emphasis added).

The statutory reporting requirements for arts agencies are virtually identical to those for the humanities. State arts agencies must "make such reports, in such form and containing such information, as the Chairman may from time to time require." (Section 5(g)(2)(C)).

Remaining provisions of the plans differ significantly. Only the private humanities councils are subject to requirements for broad public representation in membership, open nomination for membership, membership rotation, reporting procedures to the governor, and public access to information. No similar requirements exist for state arts agencies nor, as noted, for state government humanities agencies.

The plans also differ in the formal relationship between the state group and state government. The arts agency plan must designate "a state agency" . . . as the sole agency for the administration of the state plan. . . ." (Section 5(g)(2)(A)). Private humanities councils must provide assurances of compliance with the opportunity for state governors to appoint members under various circumstances (Sections 7(f)(2)(B)(i) and 7(f)(3)(A)). For state humanities agencies, governors may only designate the existing humanities council (Section 7(f)(2)(A)) and must provide a cash contribution from newly-appropriated funds. (Section 7(f)(2)(A)(iii), (V)).

The only remaining requirement of the plan for state arts agencies (Section 5(g)(2)(B)) is expenditure of funds consistent with the objectives authorized to NEA itself, listed in Section 5(c). All arts agencies, like all humanities councils, are directed to make programming available to citizens for which it would otherwise be unavailable for "geographic or economic reasons." (Sections 5(c)(2) and 7(c)(7)).

#### B. Authority of NEH Chairman to Determine "Adequacy" of State Programs

In Section 7(f)(1), a subsection separate from the "compliance plan," the Chairman is authorized to make grants to state councils according to two standards determined by the Chairman.

First, the Chairman is authorized to support "... existing activities which meet the standards enumerated in subsection (c)," the subsection authorizing various types of humanities funding programs and providing that the benefit of programs be made available to citizens where programs would otherwise be unavailable due to geographic or economic reasons.

Second, Section 7(f)(1) provides authority for the Chairman "to develop a program in the humanities in such a manner as will furnish adequate programs in the humanities in each of the several States." (emphasis added) The Chairman, with the advice of the National Council, determines what constitutes an "adequate" program in each of the states, consistent with the Congressional intent manifested throughout the statute and the legislative history. This subsection also repeats the basic requirement that the programs must be humanities programs.

All of Section 7(f)(1) applies equally to private humanities councils and state humanities agencies. The only distinction between the two types of councils is made in the plans which must be submitted as a prerequisite to funding. No distinction is made with regard to the separate application for funds which all councils must also submit.

#### Comparison with Parallel Requirements for Arts Agencies

Section 5(g)(1) authorizing the NEA Chairman to make grants to state arts agencies contains the same two standards, determined by the Chairman, as are included in Section 7(f)(1) for the humanities. First, the NEA Chairman is authorized to make grants to support "... projects and productions which meet the standards enumerated in Section 5(c)." Analogously to Section 7(c) for the humanities, Section 5(c) authorizes various types of funding arrangements in the arts and requires that the benefit of programs be made available to citizens where programs would otherwise be unavailable due to geographic or economic reasons.

Second, Section 5(g)(1) provides authority for the NEA Chairman to assist "in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities and services." (emphasis added).



ONE MAY 1 1981  
RE  
E E - 3 P. 4:0.

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
HARRISBURG

THE GOVERNOR

May 1, 1981

Joseph D. Duffey, Chairman  
National Endowment for the Humanities  
Washington, D.C. 20506

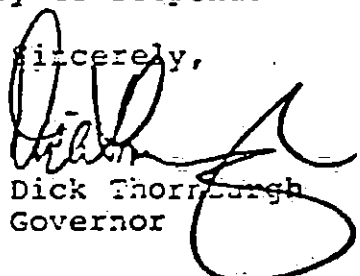
Dear Mr. Duffey:

Thank you for your letter of March 16 informing me of changes in the legislation authorizing the National Endowment for the Humanities and of Pennsylvania's option to designate the Pennsylvania Humanities Council as a state agency.

After careful review of this option, I have decided not to exercise it. The Pennsylvania Humanities Council has made significant achievements in developing and supporting the humanities in Pennsylvania, utilizing funds received from the National Endowment and private donations. I believe the most effective way to encourage innovation and promote continued private involvement in the humanities is for the Council to remain separate from state government.

Thank you for the opportunity to respond.

Sincerely,

  
Dick Thornburgh  
Governor



STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

10-20-82

JOSEPH E. BRENNAN  
GOVERNOR

September 1, 1981

Joseph D. Duffey, Chairman  
National Endowment for the Humanities  
806 15th Street, N.W.  
Washington, D. C. 20506

Dear Mr. Duffey:

Thank you for your recent letter outlining the changes in the legislation authorizing the National Endowment for the Humanities.

P.L. 96-596 outlines two options for the manner in which a state may be involved with support for the humanities with National Endowment for the Humanities funds. One option would be for the Governor's Office to designate the existing Humanities Council a State agency, if the State provides a minimum of \$100,000 in newly appropriated funds. The second option would make no changes in the present structure whereby a private agency, the Maine Humanities Council, receives funds directly from the National Endowment for the Humanities.

The Maine Humanities Council has done a fine job in supporting the arts in the humanities and I see no compelling reason to change the structure at this time. Secondly, since State funds are extremely limited, I feel that I could not include an additional \$100,000 in my budget for a new humanities agency since budget realities are such that the existing State agency, the Arts and Humanities Commission, would receive priority in my budget message.

I appreciate your informing me of the changes in the humanities authorizing language and would be happy to answer any questions you might have.

Sincerely,

*Joseph E. Brennan*  
JOSEPH E. BRENNAN  
GOVERNOR

JEB:gd

cc: Alden C. Wilson, Ex. Dir., Maine Bureau of Arts & Humanities  
Karen Bowden, Ex. Dir., Maine Bureau of Arts & Humanities / Public  
Policy, Box 7202, Portland, Maine 04112

STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

ROBERT J. MORGADO  
SECRETARY TO THE GOVERNOR

May 6, 1981

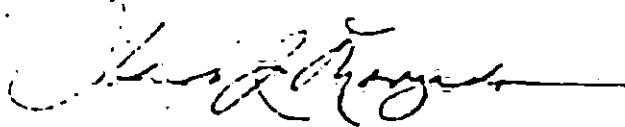
Dear Mr. Duffey:

Governor Carey has asked me to thank you for your recent letter concerning the National Endowment for the Humanities and the role of State Councils.

The accomplishments of the State Councils working with the National Endowment for the Humanities are certainly impressive. Their ability to involve so many public and community groups is a strong indication of the success of their program.

New York State has supported many of the National Endowment's goals through the programs of the State University of New York and the New York State Education Department. The recently proposed cuts in Federal support for the educational community will make our efforts more difficult in the future. Despite these difficulties, we will continue to work with the existing State agencies to support the field of humanities.

Sincerely,



Mr. Joseph D. Duffey  
Chairman  
National Endowment for  
the Humanities  
Washington, D. C. 20506

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
RALEIGH 27611

JAMES B. HUNT, JR.  
GOVERNOR

April 1, 1981

Dear Mr. Duffey:

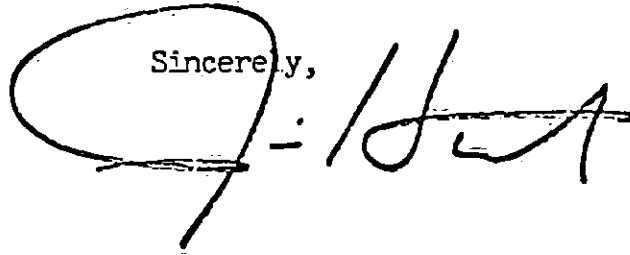
Thank you for informing me of the changes in the legislation authorizing the National Endowment for the Humanities. North Carolina has enjoyed a marvelous relationship with the Endowment in past years, and I look forward to continuing and building upon this partnership.

I have sought the advice and counsel of Sara Hodgkins, Secretary of Cultural Resources, and John Oates, Chairman of the North Carolina Humanities Committee, regarding the changes in the legislation. It is our consensus that the private citizens' council should continue to be eligible for NEH funds. I certainly intend to exercise the new privilege of appointing up to four members of the council.

I trust that the Endowment will not be cut too severely during the federal legislative process. These funds have meant a great deal to North Carolinians, and we would be hard pressed to replace them at this time.

My warm personal regards.

Sincerely,

A large, stylized handwritten signature, likely of James B. Hunt, Jr., written in dark ink. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Mr. Joseph D. Duffey  
Chairman  
National Endowment for the Humanities  
Washington, D.C. 20506

cc: Sara W. Hodgkins  
John F. Oates

EST APR 22 PM 2 1

Office of the Governor

FRANKFORT, KENTUCKY 40601

April 13, 1981

Mr. Joseph M. Duffey  
Chairman  
National Endowment for the Humanities  
Washington, D. C. 20506

Dear Mr. Duffey:

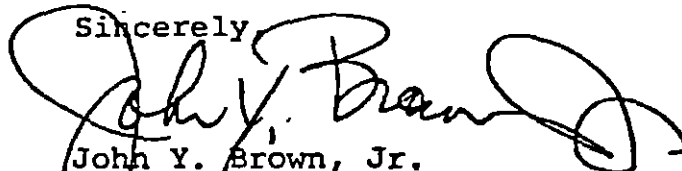
Thank you for your letter of March 16 advising me of the options open to the Commonwealth in regard to the Kentucky Humanities Council.

While we admire and appreciate the work of the Council, our state like many others is in the midst of a financial crisis. Because of a shortfall of revenues, we are being forced to reduce spending by some \$185 million in the next fiscal year. This financial dilemma, coupled with the drastic federal cuts proposed by President Reagan, means that Kentucky will have to be very cautious in assuming any new programs, such as funding the humanities council as outlined in your letter under the 1980 amendments.

However, we do plan to continue to work closely with the private citizens' council. Don Mills, my deputy secretary for Education and Humanities, has met several times with Joseph Ohren, the Chairman of the Kentucky Humanities Council, and attended the group's last meeting in Berea, Kentucky.

Let me know if our office can be of any further assistance.

Sincerely



John Y. Brown, Jr.  
Governor

Office of Rhode Island and Providence Plantations

EXECUTIVE CHAMBER, PROVIDENCE, R.I.



J. Joseph Garrahy  
Governor

April 29, 1981

CLERKMAN-NEH  
REC'D

MAY 12 AM 11:50

Mr. Joseph D. Duffey  
Chairman  
National Endowment for  
the Humanities  
Washington, DC 20506

Dear Mr. Duffey:

I am responding to your letter informing me of changes in national legislation authorizing your organization. As to the option of designating the existing Humanities Committee as a state agency, state resources do not permit us to consider that possibility.

The Reagan budget will remove well over \$100,000,000 in federal assistance from Rhode Island in Fiscal Year 1982. This factor, combined with my desire to hold overall state spending increases to no more than 8% per year means that we cannot, as a state, afford to appropriate new funds to supplement the Rhode Island Committee on the Humanities' work program.

In the past, I have been asked to recommend board members to the Rhode Island Committee on the Humanities. In fact, Lieutenant Governor DiIuglio has served for the last two years. I understand that the terms of my most recent nominations has lapsed.

My legal counsel, Mr. Robert Pirraglia, will be in contact with our local agency to look into the need for new nominations.

Thank you for informing me of these developments.

Sincerely,

  
J. Joseph Garrahy  
GOVERNOR

1 MAY 1981

ALBERT H. QUINN  
GOVERNOR

OFFICE OF THE GOVERNOR

ST. PAUL, MINN.

April 30, 1981

CHAIRMAN - NEH  
REC'D  
MAY - 8 AM 11:22

Mr. Joseph D. Duffey, Chairman  
National Endowment for the Humanities  
806 - 15th Street N.W.  
Washington, D. C. 20506

Dear Mr. Duffey:

Thank you for your letter of March 16, 1981, regarding new federal legislation designed to strengthen the ties between the state humanities councils and their respective state governments. As I understand PL 96-496, Minnesota may adopt the Minnesota Humanities Commission as a State agency by appropriating \$100,000 annually for its support and gradually appointing a new board, or the Commission can remain a private non-profit body to which the Governor may appoint up to four members.

The State of Minnesota will not adopt the Commission as a State agency in fiscal 1982 or 1983 because the legislature cannot appropriate \$100,000 annually for its support. While the legislature appropriated funds in 1980 and 1981 in the amount of \$25,000 each year, and I have recommended a slightly increased appropriation for 1982-83, the amount is obviously less than the \$100,000.

As you know, Minnesota is the first state to appropriate funds in support of its humanities council. Since then, I understand other states have followed or are now considering such support for their humanities councils. In view of this, consideration of State agency status might well be an appropriate next step in the evolution of state humanities councils.

In some respects, the Minnesota Humanities Commission is already a State agency. Minnesota law recognizes a category of semi-state or quasi-state agencies whose programs serve a demonstrated public need, which are supported in part with State funds, but are also dependent on federal or private funds. Semi-state agencies, such as the Minnesota Historical Society and the Minnesota State Arts Board, are generally more autonomous than State departments and often retain under statute their own by-laws, regulations, and charters. I believe that the Minnesota Humanities Commission has already embarked upon a course that will fulfill the conditions for State agency status set forth in PL 94-496 when its State appropriation reaches the required amount should that ultimately be the collective wish of the Commission, the legislature, and my office.

Mr. Joseph L. Dufre

April 30, 1957

Page two

We will continue our consultations with the Minnesota Humanities Commission and, as the level of State support approaches the required amount, we will notify the Endowment of our intentions regarding a more formal status for the Commission.

I supported the National Endowment for the Humanities and the State humanities programs when I served in the Congress and have continued my support while Governor. Education for our adult citizens will help us all in the complex decisions ahead.

Sincerely,

A handwritten signature in dark ink, appearing to read "Al Quie". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

ALBERT H. QUIE  
GOVERNOR